

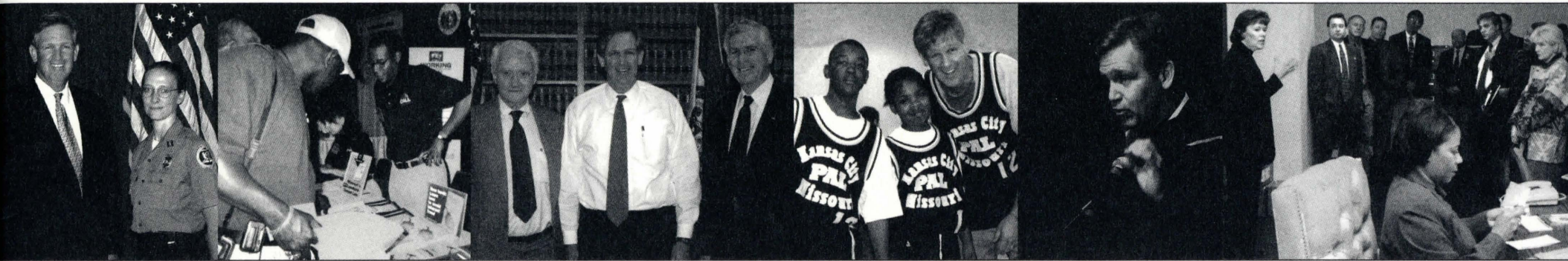
ANNUAL REPORT 2001

OFFICE OF MISSOURI ATTORNEY GENERAL

JEREMIAH W. (JAY) NIXON

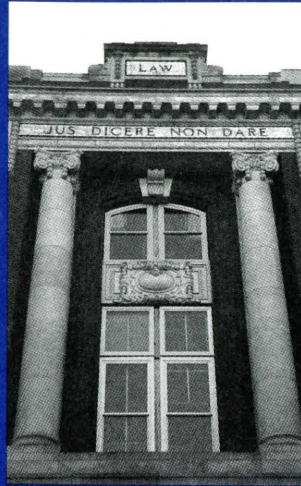


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saving money. serving missourians

MISSION OF THE ATTORNEY GENERAL'S OFFICE

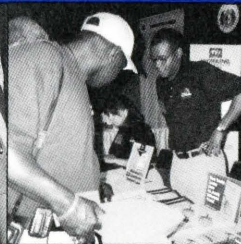


The mission of the Missouri Attorney General's Office is to protect and advance the interests of the State and its citizens through the judicial and legislative process and to serve as the People's Lawyer, fighting for openness and justice, especially for those who have no voice.

ON THE COVER



Nixon congratulates Capt. Camille Stewart, Missouri National Guard, for completing high-tech training.



Consumer attorney Robert Kenney distributes fraud prevention information.



Former Attorneys General Thomas Eagleton, left, and John Danforth visit Nixon.



Nixon takes a timeout with two Kansas City children during a basketball game.



Nixon delivers the commencement address at his alma mater.



No Call Unit supervisor Nancy Johnston explains to lawmakers how a complaint is processed.

SAVING MONEY. SERVING MISSOURIANS.



UPI photo/William Greenblatt

Attorney General Nixon heads the government operations and facilities committee of the Missouri Security Panel. Attending a security meeting are from left, Missouri National Guard Lt. Col. Robert Petrich, Nixon and state security adviser Tim Daniel. Below, Nixon visits with security member St. Louis Fire Chief Sherman George.



UPI photo/William Greenblatt

A message from Missouri Attorney General Jay Nixon

ALL OTHER events and activities of 2001 pale in comparison to the tragedies of Sept. 11. As we review the year's activities, it is appropriate to focus on this event and its aftermath and the challenges now facing our nation.

America saw live on television what many in our office witness daily — the bravery of law enforcement as they risk danger and potentially life-threatening situations every time they put on a badge. As the chief law enforcement officer in Missouri, I salute these brave men and women.

Sept. 11 brought an immediate challenge in Missouri as some sought to take advantage of the tragedy by gouging gasoline prices. Within two days our office received more than 1,000 complaints. Prompt reporting by Missourians allowed us to conduct an immediate investigation which quickly sent the message that profiteering at a time of national tragedy would not be tolerated.

Within two weeks, 48 gas stations paid more than \$60,000 for their illegal actions. I am proud that Missourians had confidence in their government and trusted us to act swiftly to maintain order.

THE OFFICE of the Attorney General provides an opportunity to serve Missourians in ways that make a direct difference in their lives. For example, in 2001:

- Consumer Protection Division attorneys

led a national lawsuit against a sweepstakes giant that returned \$34 million to consumers nationwide and required court-ordered reforms in an industry that for too long ripped off our seniors.

- Environmental Protection Division attorneys took actions that saved one of the Ozarks' most scenic mountains. Their efforts helped block plans by a utility company to decapitate Church Mountain to build a hydroelectric power plant.

- Public Safety Division prosecutors handled murder and other criminal cases in 77 Missouri counties and St. Louis city, and our Criminal Division attorneys defended convictions in appeals courts and the Missouri Supreme Court and U.S. Supreme Court. In fact, more than half of the cases in the state Supreme Court were argued by attorneys in our office.

As we documented examples of our work, we also looked at ways we saved or generated money for Missouri. In 2001, the Attorney General's Office generated or saved \$16.91 for every \$1 appropriated.

Our actions have made Missouri a fairer, safer and healthier place to live and raise our children. I am pleased to present the 2001 annual report: *Saving Money. Serving Missourians.*

CONTENTS/DIVISION MISSION



PAGE 6 **CONSUMER PROTECTION DIVISION**

To promote a free, fair and open marketplace by aggressive enforcement of Missouri's consumer protection laws and by advocating for consumers and educating the public.

9 **CRIMINAL DIVISION**

To successfully defend the punishment of those lawfully convicted of crimes, to safeguard and refine the criminal law of this state in the interests of justice, and to educate, coordinate and communicate with prosecutors, judges, law enforcement agencies and victims.

11 **ENVIRONMENTAL PROTECTION DIVISION**

To lead all public agencies and concerned citizens in maximizing the beneficial use of Missouri's natural resources by enforcing environmental laws and advocating sound environmental policies.

13 **GOVERNMENTAL DIVISION**

To protect and advance the interests of the state through representation, advice and litigation support provided to state agencies and officials; and to preserve the assets of the state and of charitable trusts.

PAGE 16 **LABOR DIVISION**

To protect the interests of Missouri workers by paying the appropriate amount from the Second Injury Fund and Workers' Compensation Fund for state employees, and to handle those cases in a timely and fair manner.

19 **LITIGATION DIVISION**

To provide quality representation to the state, its agencies and employees; to protect and enhance the ability of public servants to do their jobs while advancing justice for the citizens of the state and the state's sovereign interests; and to provide expertise and resources to other divisions in the AG's Office.

21 **PUBLIC SAFETY DIVISION**

To be aggressive and fair prosecuting in the interest of justice; to assist and educate law enforcement and prosecutors in their role of protecting the public; to defend law enforcement from unwarranted interference and judgments in civil litigation and to be responsive to the needs of crime victims.

24 **YEAR-END REPORT**

The Attorney General's Office summarizes actions taken during 2001.



The Missouri Office of the Attorney General
is an equal opportunity employer.

Saving money IN 2001



For every dollar spent,



The AG's Office
generated or saved \$16.91.
(Does not include \$143.1 million
in tobacco payments.)

The Attorney General's Office is dedicated to saving money and serving Missourians.

In many cases, the savings are evident. For example, the Consumer Protection Division returned \$3,321,673 to Missourians in restitution and \$2,551,061 to the state in fines and penalties.

In some cases, it is more difficult to place a value on the efforts. There is an unlimited value to the safety of Missourians when a murderer is put behind bars, but from a bottom-line analysis the office's assistance to local prosecutors saved counties more than \$1.9 million in 2001.

For every dollar spent in 2001, the AG's Office generated or saved \$16.91.

\$18,700,482	Total state appropriation in 2001
\$316,346,998	Total generated or saved by AG's Office
\$5,872,734	Consumer Protection Division
2,699,685	Environmental Protection Division
32,868,009	Governmental Division
24,422,054	Labor Division
245,788,642	Litigation Division
4,695,874	Public Safety Division



Attorney General Nixon discusses the outcome of an investigation of gasoline stations that inflated prices following Sept. 11.

The AG's Office acted swiftly to prevent price gouging.



About the division

The Consumer Protection Division represents the state in consumer fraud cases. Among the cases the division pursues:

- Civil lawsuits and criminal prosecutions against businesses that defraud consumers through the advertising and sale of products or services.
- Securities fraud.
- Antitrust matters.
- No Call law violations.

Gas price gougers not allowed to profit in time of crisis

In the wake of the Sept. 11 tragedies, some gas stations raised prices to as much as \$9.99 per gallon.

The next day, Nixon dispatched investigators and lawyers to all corners of the state to halt the illegal practice and determine which stations were gouging.

Within two weeks, Nixon's office had obtained court orders requiring 48 stations to pay civil penalties totaling more than \$60,000.

Publishers Clearing House to pay \$34M, make dramatic changes

Missouri led 26 states in a groundbreaking settlement with the country's largest sweepstakes company.

Publishers Clearing House agreed to pay \$34 million and make significant changes, including not making any false statements or implying that a consumer may be a winner. The company also cannot send different entry forms to buying and nonbuying consumers.

Besides leading the negotiations, the AG's Office remains involved in distributing the settlement funds and implementing other settlement terms.

Buying club pays \$9M for placing charges on credit cards

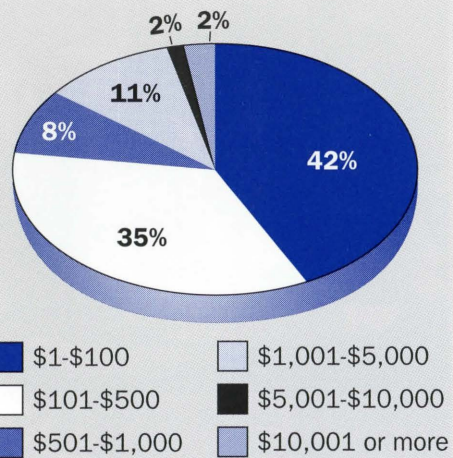
A Florida buying club will pay more than \$9 million to settle allegations it deceived consumers nationwide into signing up for "free" trial memberships and then placed unauthorized charges on their credit cards.

Missouri, the first state to sue Triad Discount Buying Service, led the multistate investigation and settlement in conjunction with the Federal Trade Commission. An estimated 5,200 Missourians were victims.

Oklahoma man sentenced to seven years for defrauding seniors

An Oklahoma man was sentenced to seven years in prison over a home medical alarm system scam that defrauded about 65 Missourians out of as much as \$4,000 apiece.

Walter Zitlow told seniors they would receive a cost rebate of 90 percent from the IRS or Medicare. Zitlow also must pay \$230,000 in restitution.



Millions returned through mediation; 77% of cases for \$500 or less

The Consumer Complaint Unit recovered more than \$2.7 million in out-of-court restitution for Missouri consumers. Although the unit returns large sums of restitution, 77 percent of the cases mediated in 2001 involved transactions of \$500 or less.

The unit, which serves as an advocate to Missourians who have no other recourse, handled more than 92,000 complaints and inquiries in 2001.

Phone company sued for slamming

Axces, a long-distance company, was sued for "slamming" Missourians by using deceptive contests to entice consumers to sign an "entry form" that doubled as a contract to switch their long-distance service.

Axces later doubled the consumers' long-distance rates and phrased its charges in an inconspicuous and misleading manner on their bills.

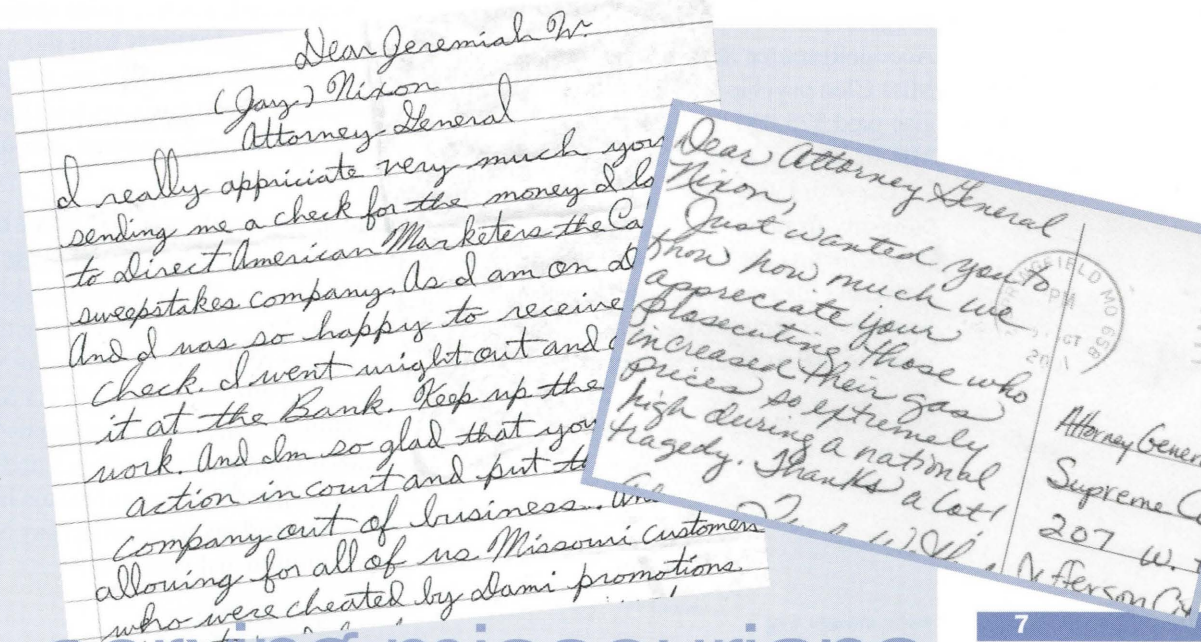
The Federal Communications Commission found the company to be the worst slammer in America in 1997 but took no action. Three state attorneys general filed separate lawsuits, but only Missouri insisted on a trial, giving a voice to many angry Missouri consumers.

Bridgestone-Firestone pays for defective tires, misrepresentations

Missouri entered into a \$51.5 million nationwide settlement with Bridgestone-Firestone over allegations of defective tires and misrepresentations made during the tire replacement process. Missouri obtained a \$300,000 civil penalty and \$200,000 for consumer education.

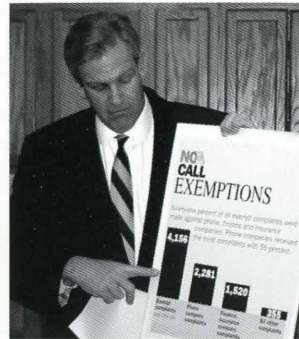
The Consumer Protection Division returned **\$5,872,734** to Missourians and the state. Of that amount, 47 percent was returned to consumers through out-of-court mediation.

Restitution to consumers through mediation	\$2,768,173
Money recovered for consumer education, enforcement	\$1,433,371
Penalties paid to county public schools	\$1,117,690
Restitution to consumers through legal enforcement	\$553,500



saving money. serving missourians

Nixon shows the number of complaints made against companies exempt from the No Call law. Phone, insurance and finance companies accounted for 91 percent of the exempt complaints. He spoke to a group of senior citizens in Hannibal.



Missourians sign up in droves for No Call list

“She should have seen it coming.”

Nixon after suing TV psychic Miss Cleo



Miss Cleo sued for consumer fraud, violating No Call law

Consumer attorneys obtained a temporary restraining order against Access Resource Services, operator of the Miss Cleo psychic hot line. The company also paid \$75,000 for illegally calling Missourians on the No Call list.

The restraining order prevents the company from misleading Missourians into believing calls to the hot line are free.

Access also cannot bill residents for services not requested or for services given to callers younger than 18.

2 million Missourians on No Call list

More than 2 million Missourians (900,000 telephone lines) have registered on the Attorney General’s No Call list to protect themselves from unwanted calls.

Enforcement of the new law began in July, and by December the Attorney General’s Office had taken legal action requiring 62 companies to pay \$500,000 to the state for violating the law.

Nixon credits active participation by No Call team members with the overwhelming success of the program. Missouri’s No Call efforts lead the nation in signups and enforcement actions.

Phony international list shut down

Consumer attorneys sued R&R Consultants, a Canadian telemarketer, for calling Missourians and offering to place them on a fictitious international No Call list called “Peace and Quiet” for \$289.

The company was permanently banned from marketing Peace and Quiet or any other deceptive programs in Missouri and was ordered to pay \$14,500 in restitution and penalties.



House interim committee members take testimony in St. Louis about No Call exemptions. From left are Rep. Ralph Monaco, committee chairman, staff member Roland Tackett, and Reps. James Foley, Ronnie Miller, Rex Rector and Rick Johnson, sponsor of legislation to eliminate No Call exemptions.



No Call Unit supervisor Nancy Johnston, left, explains how a complaint is processed to lawmakers. Rhoda Bats, in front, sends No Call lists to telemarketers.



Georganne Nixon, wife of Attorney General Nixon, recognizes and supports crime victims during National Crime Victims' Rights Week. An interpreter signs during a ceremony at the State Capitol.

About the division

The Criminal Division represents the state in every felony case appealed to the Supreme Court of Missouri and Missouri Court of Appeals, and also defends the state in all habeas corpus actions filed by prison inmates in state and federal court.

Death sentences upheld

Criminal attorneys successfully argued before the Missouri Supreme Court to uphold four death sentences:

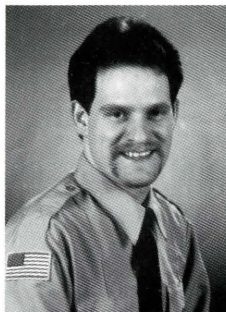
- Walter Storey was convicted and sentenced to death in a second retrial for the 1990 killing of his upstairs neighbor in St. Charles.
- Paul Goodwin was convicted of burglary, sexual abuse and murder of a neighbor in St. Louis County in 1998.
- Mark Christeson killed a Maries County woman and her two young children in 1998.
- Gary Black stabbed to death an African-American motorist in a racially motivated murder in Joplin in 1998.

Felony convictions defended

The division defended 768 state felony appeals, including these convictions:

- The first-degree murder conviction of a Nodaway County farmer sentenced to life without parole. William Taylor lured his wife under a combine where he had placed a cat he had killed. He activated the combine, which rolled over and killed her.
- The first-degree assault conviction of Leo McCullum in Greene County. He poured lacquer thinner on his wife and lit it, causing severe burns. He was sentenced to 30 years.
- The first-degree murder conviction of Larry Streu in Clinton County. He killed his mother, then tried to make it appear to be a suicide by hanging.

Mr. Frank Jung,
The Rauff family wants to
thank you for all of the information
forwarded to us in the James Johnson
Case.
We are all glad it is finally
over. Justice has been done.
You were very kind and
understanding in our time of
great pain and need for understanding.
Thank you very much.



Leslie Roark
July 31, 1964 -
Dec. 9, 1991



Pamela Jean Jones
May 28, 1953 -
Dec. 9, 1991

Remembering the victims

To focus attention on the victims of murder, the Attorney General's Office started placing a memorial on the office's Web site when an execution date is set.

The families of murder victims are asked to share thoughts and remembrances of their loved ones.

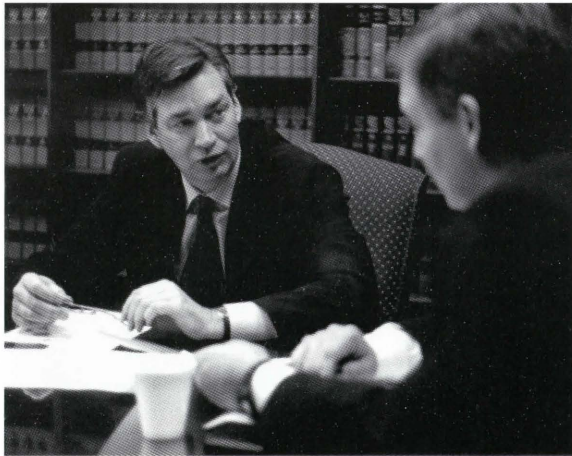
The first victims to be remembered were Moniteau County deputy sheriff Les Roark and Pam Jones, a mother of four from Clarksburg.

The memorials can be found at www.moago.org/memoriam.htm

Seven murderers executed

Criminal Division attorneys opposed attempts to overturn capital murder convictions and sentences. Seven convicted murderers were executed:

- Stanley Lingar sexually abused and murdered a hitchhiker in Ripley County in 1985.
- Tomas Ervin murdered a woman and her adult son during a home invasion in Jefferson City in 1988.
- Mose Young killed three people at a St. Louis pawnshop in 1983. Earlier that day, one of the pawnshop owners had refused to give Young \$1,800 for a gold-plated stickpin.
- Samuel Smith stabbed a fellow inmate at Jefferson City Correctional Center in 1987.
- Jerome Mallett murdered state trooper James Froemsdorf during a traffic stop in Perry County in 1985. Mallett was wanted for a robbery in Texas.
- Michael Roberts murdered a female neighbor in St. Louis County in 1994 to obtain money for drugs.
- Stephen Johns shot a 17-year-old gas station attendant, execution-style, during a robbery in St. Louis in 1982.



Attorney General Nixon meets with Gary Doer, premier of Manitoba, Canada, to discuss environmental concerns about proposed out-of-basin transfers of Missouri River water.

About the division

The Environmental Protection Division aggressively protects Missouri's natural resources. Attorneys take legal action to stop pollution of the state's air, water and soil and penalize polluters through fines, penalties and in the most serious cases, incarceration.

Mountaintop power plant stopped

AmerenUE, the state's largest electricity generator, withdrew its application to build a power plant atop a mountain in one of Missouri's last wild areas after Attorney General Nixon filed objections. The controversial project would have removed the top of a mountain next to Taum Sauk State Park and flooded a popular hiking trail.

Nixon told federal regulators that the project would have used more electricity to pump water to the top of the mountain than would have been generated when the water came back down.

Missouri River fight continues

Nixon continued his vocal leadership to protect the interest of Missourians in the future of the Missouri River. He focused much of his effort on calling attention to and opposing plans by upstream states to transfer water out of the river basin.

That effort has rallied support among major national environmental groups, the agricultural community, and business and trade organizations.

Record settlement in landfill case

Waste Management paid \$1 million in damages, fees and penalties — a record for a Missouri landfill — in a settlement after it placed too much trash in a Kansas City landfill.

Secret lead prospecting opposed

Nixon continued to oppose efforts to mine for lead on public lands and environmentally sensitive areas in Missouri. In formal comments to the U.S. Forest Service on a proposal by Doe Run to prospect for lead in the Ozarks, Nixon said the public was ill-served by keeping secret the location of the prospecting boreholes.

Chip mill moratorium

At the urging of Nixon, the state Clean Water Commission placed a moratorium on issuing permits to new chip mills. An industry new to Missouri, chip mills harvest vast amounts of trees with machinery and process them into chips.

Challenge to odor standards for mega-farms rebuffed

A state appeals court upheld Missouri's new odor standards for the largest animal feeding operations, which were implemented at the urging of Nixon.

A trade association had challenged regulations from the Missouri Air Conservation Commission.

Environmental caseload The division favorably won or settled more than 95 percent of its cases.

Total cases worked: 1,100+	Cases opened: 432	Cases resolved: 365
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ENVIRONMENTAL PROTECTION DIVISION



A bulldozer removes a mound of hot dog casings dumped in Boone County. Kraft Foods had been given tax credits to properly recycle them.

Tons of hot dog casings cleaned up

In a \$2.2 million agreement, Kraft Foods spent \$780,000 to remove tons of used hot dog casings that had been improperly disposed of at a rural site in Boone County. Environmental attorneys sued Kraft in 2000 for the violations; Kraft paid \$300,000 to the local school fund to resolve those claims.

The agreement also resolved a dispute over recycling tax credits given by the state. Kraft will repay Missouri \$650,000 and forego another \$555,000 in credits.

Poultry giant pays fine, improves plant

Tyson Foods built an improved wastewater treatment system for its chicken slaughterhouse in McDonald County in an agreement that will help protect the Elk River. Tyson also was assessed \$60,000 in penalties.

Big-truck salvage yard sued

Environmental attorneys sued the owners of a salvage yard for big trucks for ongoing violations at their two-acre site near downtown St. Louis. The site contained oil and other hazardous and flammable wastes that had been dumped in the basements of abandoned buildings.

Cape gas station fined for spill

The owners of a gas station in Cape Girardeau that was the site of a 3,000-gallon gasoline spill in 1998 were ordered to pay a \$20,000 penalty and fully clean up remaining contamination. The gas came from improperly operated underground storage tanks.



Gas from storage tanks at Spanky's Texaco in Cape Girardeau had leaked.

The Environmental Protection Division recovered **\$2,699,685** in penalties, damages and costs in 2001. Forty-one percent of the money came from solid waste violations.

Solid waste	\$1,103,466
Water	\$679,627
Hazardous waste	\$316,739
Air	\$303,923
Underground storage tanks	\$166,100
Other cases	\$129,830

Subject: Mr. Douglas Nelson - Asst. Mo. Attorney General
Dear Mr. Nixon,

I hope I can put this letter together right to let you know how Mr. Nelson has worked with myself and the people of Woodland Heights Subdivision - Now known as Put Water Supply District # 1 Of Crawford County Mo.

It all started in my first contact with your office in late 1996 by phone. At that time private owner of the Water/Sewer System got into trouble with M.D.N.R. In 1996 contacted your office again by letter and in short I was told in a polite way that of the Woodland Heights Utilities was now under litigation. After several phone calls to your office and letters Mr. Douglas Nelson became involved with the case. The system filed bankruptcy and the subdivision was up the creek with out

At first Mr. Nelson wanted me (us) to have our attorney contact him. After conversations with Mr. Nelson I convinced him he had hit poverty row and could work with me I would try to get this problem solved. We put our trust in him and moved forward with the Water/Sewer issue.

During all this time the residents of Woodland Heights got together and money together to bring the Water up to D.N.R. standards. Mr. Nelson worked with us as long as we were upgrading the system.

I think as we moved forward on this issue Mr. Nelson took a special interest in the project. I have included a picture of Mr. Nelson coming down on a Saturday to meet with the people in Woodland Heights. I think he saw how the people wanted to solve this problem and he and his client has been working with us ever since.

Mr. Nelson's client were very patient with us. We tried a Voluntary Annexation with the

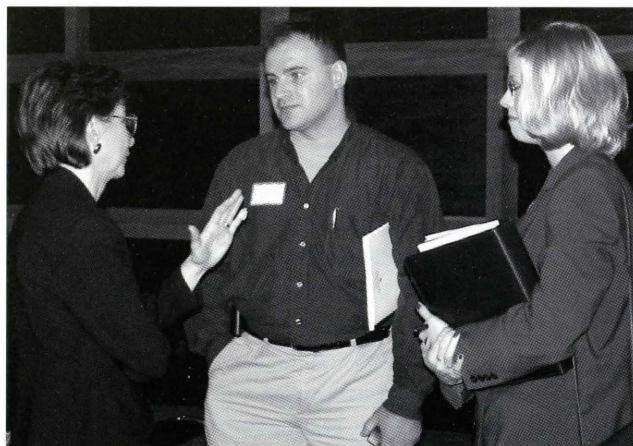
MO State Atty. Gen. Jay Nixon
207 West High Street
Jefferson City, MO 65101

Dear Attorney General Jay Nixon,

Thank you for continuing the efforts to stop any exploration or mining in the Mark Twain National Forest, located in South East Missouri. This issue keeps surfacing periodically, I assume with the presumption that the persistency will somehow be unnoticed. The price of lead by the ton would indicate that it is not a scarce commodity. What is scarce is our vanishing clean water streams and pristine forests.

This letter is written to thank you for your efforts and encourage you to protect our National Forests.

Very truly yours,



Jane Rackers (left), chief counsel of the Governmental Division, answers questions following her presentation at the office's Ethics in Government Conference.

About the division

The Governmental Division protects the safety and well-being of citizens by:

- Ensuring that professionals such as doctors adhere to state laws and disciplinary rules.
- Representing state officers, departments and agencies.
- Enforcing compliance with state laws by trusts, foundations and nonprofit corporations.
- Recouping money owed to the state, state officers or state agencies.
- Helping mentally ill and physically challenged Missourians obtain guardians to help get care.
- Removing caregivers who abuse or neglect vulnerable citizens.

Professionals' licenses revoked for illegal actions

Professional licensing boards represented by Governmental attorneys revoked or obtained the surrender of 141 professionals' licenses, including 26 nurses. Among the cases where nursing licenses were revoked:

- A Pleasant Valley nurse twice pleaded guilty to sexual misconduct and was convicted of deviate sexual assault of a patient and victim tampering.
- An O'Fallon woman pleaded guilty to stealing and forgery for obtaining a patient's power of attorney and then using it to divert funds and stocks after the patient died.
- A Springfield nurse pleaded guilty to second-degree murder.
- A nurse now living in Lincoln, Neb., had been convicted of multiple sex crimes against a child.

Professional licenses surrendered or revoked since 1997:

2001	141
2000	126
1999	65
1998	87
1997	58

Teaching certificates revoked

Governmental Division attorneys revoked 30 teaching certificates and suspended three others for illegal actions, including:

- A Kirksville man for attempted sexual abuse.
- A Newton, Iowa, man for indecent contact with a child.
- A Kansas City woman for felony possession of a controlled substance.
- A Lonedell man for felony attempted deviate sexual assault involving a minor.
- A Kansas City man for felony possession of cocaine.
- A St. Louis County man for felony forgery.

HMO medical directors not exempt from state laws

The Missouri Supreme Court ruled that doctors who make coverage decisions for HMOs must comply with medical standards and may be questioned by the state about those decisions.

The landmark ruling will be used by licensing boards across the country.

Abusive caregivers removed

Attorneys representing the Department of Mental Health removed 27 caregivers who abused or neglected patients with mental or physical disabilities.

Abuses ranged from verbal abuse to striking patients.

Attorneys represent officials, agencies, boards

Division attorneys represent or provide legal advice to the governor, secretary of state, treasurer and auditor. Attorneys also serve as general counsel or represent these departments and professional licensing boards:

DEPARTMENTS

- Agriculture
- Economic Development
- Elementary and Secondary Education
- Health
- Insurance
- Labor and Industrial Relations
- Mental Health
- Office of Administration
- Revenue
- Social Services

BOARDS

- Accountancy
- Architects, Professional Engineers and Land Surveyors
- Office of Athletics
- Barber Examiners
- Licensed Clinical Social Workers
- Cosmetology
- Commission for the Deaf
- Dental
- Dieticians
- Embalmers and Funeral Directors
- Endowed Care Cemeteries
- Geologists
- Registration for the Healing Arts
- Healing Arts Advisory Committee
- Hearing Instrument Specialists
- Interior Design Council
- Landscape Architectural Council
- Marital and Family Therapists
- Massage Therapists

- Nursing
- Nursing Home Administrators
- Occupational Therapy
- Optometry
- Pharmacy
- Podiatry
- Committee of Professional Counselors
- Division of Professional Registration
- Psychology
- Real Estate Appraisers
- Real Estate Commission
- Respiratory Care Practitioners
- Speech Interpreters Committee
- Teacher Certification
- Veterinary Medical Board

AGENCIES

- Banking Board
- Credit Union Commission
- Division of Vocational Rehabilitation
- Ethics Commission
- Health Facility Review Committee
- Highway Reciprocity Commission
- Human Rights Commission
- Lottery Commission
- Missouri Family Trust Board
- Missouri State Fair
- Personnel Advisory Board
- Records Commission
- State Milk Board
- State Tax Commission
- Tort Victims Compensation Fund

Opinions issued, public access encouraged

66 official AG opinions issued

The Attorney General gives legal opinions when requested by elected state officials, legislators, state department heads and county prosecuting attorneys. Among the 66 legal opinions issued:

- **Crime victims have right to be in courtroom:** Nixon opined that the state Constitution allows crime victims to attend the trials of defendants in their cases.
- **Quasi-public bodies' finance records open:** An opinion concluded that a publicly funded sheltered workshop established by a nonprofit corporation is a quasi-public governmental body and its financial records subject to the Sunshine Law.

Open government essential

The AG's Office helps foster public access to governmental meetings and records by enforcing the state Sunshine Law. The office educates the public, trains and advises governmental officials and assists reporters and residents with Sunshine Law inquiries. On average the office handles 2.5 inquiries a day.

The office issued six opinions regarding the Sunshine Law, conducted 12 seminars, participated in an educational video distributed to public health departments, and distributed 17,000 Sunshine Law booklets it produced.

Charitable trusts protected, scholarships preserved

Charitable nonprofit corporations and trusts benefit Missourians by providing educational opportunities, medical support and other help.

The Governmental Division enforces state laws that protect trusts from mismanagement and ensure proceeds are used for the intended purposes. Legal action resulted in the preservation of \$3,859,000 in charitable trust money. Among the cases:

- Nixon successfully sued to remove the directors of the Chase Foundation in Joplin for mismanagement and loss of assets. More than \$1.3 million of charitable funds has been recovered.
- The division successfully defended a challenge to the estate of John Byron Corbin. The litigation preserves \$2 million in scholarships for college students in Missouri and three other states.

Collections team aggressively pursues money owed to state

Nixon established the financial services collections team to aggressively collect debts and other money owed to the state. The team is composed of attorneys who have financial, auditing and bankruptcy court experience. Attorneys on the team also handle

other cases in the Governmental Division. In 2001, the team closed 168 cases and opened 318 cases. It collected \$3,511,801 owed to 12 state agencies and secured court orders requiring \$25,436,299 to be repaid to the state. Collection actions included:

\$2M collected from delinquent companies to benefit workers

Attorneys collected \$2,175,338 from more than 50 employers and insurance companies that failed to pay a required annual surcharge into the Second Injury Fund. The fund pays out workers' compensation claims. Had this money not been collected, the state would have paid injured workers.

Pipe maker repays state loan

A Steelville company that makes pipes and culverts used in highway construction has repaid \$73,000 in loans secured from the Department of Economic Development in 1996. The division developed a repayment plan for \$439,347 loaned to Polysystems for economic development.

Debtors prevented from discharging money in bankruptcy

Aggressive action took governmental attorneys into bankruptcy courts in Missouri and 12 other states. Those actions preserved future recoveries, including:

- **TWA workers protected:** American Airlines was required to assume TWA's workers' compensation obligations for injured workers after TWA filed for bankruptcy. Nixon required American to cover the projected \$11,215,804 in TWA workers' comp payments as a condition of the merger.
- **Scam artist must pay debt:** Attorneys preserved a \$200,000 judgment and \$10,500 in costs against the owner of Missouri Handicapped Workers. The Consumer Division had sued the company for misrepresenting that it employed handicapped workers. The business sold overpriced consumer goods such as light bulbs by telling people it employed handicapped workers.
- **Con artist can't discharge payments:** Jeffrey Kuenzle of St. Louis was not allowed to discharge \$709,900 owed to Missourians and \$96,539 to the state from a 1995 Consumer Division judgment. Kuenzle misrepresented potential earnings and financing available to participants in Missouri Funding Corp.
- **Workers' comp money protected:** Governmental attorneys preserved \$250,000 in workers' compensation benefits from Hagale, a clothing manufacturer that filed for bankruptcy. The money will be used for workers' comp benefits that the state otherwise would have had to pay.

The Governmental
Division generated or
saved **\$32,868,009**
for the state and
Missourians in 2001:

Financial services collections	\$3,511,801
Future recoveries preserved	\$13,819,495
Bankruptcy money preserved for workers	\$11,616,804
Mental Health/ethics collections	\$60,909
Charitable trust funds protected	\$3,859,000



Nixon calls on legislators to protect disability rights of state employees. Also speaking out for more civil rights through state legislation is Max Starkloff, center, president of Paraquad, a nonprofit, nonresidential center for independent living in the St. Louis area. Sign language interpreter Eric Driskill is on the right.

About the division

Labor Division attorneys protect state workers by:

- Enforcing state prevailing wage laws that ensure workers receive equitable pay for public projects.
- Representing workers before the Missouri Human Rights Commission when they have discrimination claims.
- Defending the state Second Injury Fund.

Labor Division defends injured worker fund

Labor Division attorneys work to determine the correct amount of compensation for injured workers and save state taxpayers from paying unsubstantiated and false injury claims against the Second Injury Fund. The division resolved 10,350 claims against the fund in 2001; 11,424 cases were filed. A labor attorney handles an average 889 cases per year. Among the Second Injury Fund cases:

Language skills not pre-existing disability

Poor command of the English language does not qualify as a legitimate claim against the fund, labor attorneys argued in a case of a Greek immigrant who suffered a work-related accident. An appeals court upheld the state's argument that the claim would open the floodgates to the fund.

Obesity not pre-existing disability

An appeals court ruled against a Second Injury claim because there was no evidence an employee's obesity constituted a pre-existing disability. A labor attorney argued weight was not a pre-existing disability because, by the claimant's own testimony, it did not hinder him in any past job.

Felon's injury claim denied

Labor attorneys successfully defended a claim from a four-time convicted felon who tried to use a felony-related shotgun wound as his pre-existing injury. Lack of medical proof and a history of lying persuaded the judge to reject the claim.

Psychological problems of prison guard not post-traumatic stress

A claim that working at the Potosi prison caused an employee to suffer post-traumatic stress and depression was rejected after a medical expert presented evidence that a guard's psychological problems pre-existed a work injury.

Walking injury unrelated to work

An employee's knee injury allegedly from walking in the workplace does not constitute a legitimate claim against the fund. The judge ruled the injury was not sustained on the job.

Claimant's fear of drugs proven false

When questioned by a labor attorney, a 36-year-old employee admitted he used marijuana and alcohol for years, thus discrediting his testimony that he could not take prescription drugs for fear of dependency. The judge rejected his claim because the drugs would have lessened the disability.

Labor Division serves Missouri workers

The Labor Division enforces Missouri's Prevailing Wage Law and ensures workers are paid equitable wages for public works projects. In 2001, labor attorneys recovered more than \$300,000 in back pay for Missouri workers and \$43,820 in fines for the state. Their cases helped establish legal precedent to aid future workers. Cases included:

Workers paid higher wage after Nixon takes action

Legal action by labor attorneys assisted 116 workers in collecting more than \$300,000 in back wages and resulted in \$29,700 in penalties paid to the state.

Attorney General Nixon filed suit against Fru-Con Construction and its subcontractors for failure to pay prevailing wages to many of its workers.

The court ruled in 2001 that the company was subject to the state's Prevailing Wage Law and the workers had been underpaid.

In addition, Nixon collected \$14,120 in penalties from 11 other contractors working on public projects for failure to pay prevailing wages.

Private group must use prevailing wage if project controlled by public body

The Missouri Supreme Court overturned a lower court decision and ruled that prevailing wages must be paid if a project is controlled by a governmental body.

Labor attorneys argued that workers building a reptile house for the Springfield City Zoo must be paid prevailing wages

even though the project is being constructed by a private organization.

The court held that a construction project paid for by a private organization would be subject to the Prevailing Wage Law if a public body is actually exercising significant control over the work on the project.

The Labor Division saved the state from paying \$23,896,890 in unsubstantiated or false claims against the Second Injury Fund. Of the 10,350 claims resolved, 77 percent were dismissed with the state paying nothing. Total savings and money generated for Missourians: **\$24,422,054.**

Defense of Second Injury Fund	\$23,896,890
Prevailing wages to laborers	\$300,000
Discrimination awards	\$181,344
Prevailing wage penalties	\$43,820

saving money. serving missourians

Division attorneys defend workers against discrimination

Labor attorneys representing the Human Rights Commission reviewed 62 new cases in 2001, filing legal action in 50 cases. In addition, 15 appeals are pending in

human rights cases in courts across the state. Labor attorneys collected \$181,344 in 2001 for Missouri workers who were victims of discrimination. Actions included:

Former employees allege discrimination at insurance company

Labor attorneys filed suit on behalf of four former employees of Farmers Insurance Group in Creve Coeur who alleged the company's updated performance review process was used to discriminate against African Americans and employees older than 40.

The Human Rights Commission will try the case in 2002.

Home health-care company admits to discriminatory practices

Superior Inc., a Jasper County home-health provider, admitted to discriminatory actions following an investigation by labor attorneys.

The company admitted to using derogatory symbols to inform clients of the race of African American or Native American employees and reassigning them if the client objected.

The company agreed to comply with Missouri anti-discrimination laws. Settlement negotiations over penalties continue.

Nixon gets accessible construction for disabled

A disability rights initiative launched by Attorney General Nixon resulted in increased housing accessibility in Missouri.

Noncompliance with federal accessibility guidelines was discovered after Nixon sent statewide mailings to housing permit officials encouraging inspection for compliance with federal accessibility laws. Nixon forwarded reports of noncompliance to the Department of Housing and Urban Development.

As a result, a St. Louis builder of two condominium developments, Taylor-Morley Inc., was required to make exterior modifications, including the addition of ramps, and to place money in escrow to pay for retrofitting individual units at the owner's request.

After four years any unused funds go to the Homebuilders Charitable Fund to make residential dwelling units accessible to the disabled.

Other court decisions include:

- The Eastern District Court of Appeals ruled in favor of an African American payroll clerk discriminated against by the St. Louis Police Department. The

court ordered the clerk be promoted and awarded \$89,000, including \$61,539 in back pay.

- The Scott County Circuit Court supported a Human Rights Commission finding that a Scott County schoolteacher was discriminated against because of age and sex. The school district appealed the finding and the court ruled in favor of the teacher. A \$20,000 settlement was negotiated.
- The Circuit Court of St. Louis ordered back pay of \$8,750 to a nursing home employee who claimed her discharge from Avalon Garden Nursing Home was related to her religious beliefs as a Jehovah's Witness.
- Merrill Lynch paid \$7,000 to an African American stock broker to settle allegations of race discrimination. The payment followed a ruling by the 8th Circuit Court of Appeals that the Human Rights Commission had the right to investigate and proceed in the case although the broker had signed an arbitration agreement with Merrill Lynch.



Attorney General Nixon recognizes Jim McAdams, chief counsel of the Litigation Division, for a case he handled before the U.S. Supreme Court.

About the division

The Litigation Division defends the state and its agencies and employees against thousands of lawsuits each year, and handles some of the most complex issues facing the state including:

- Defending constitutional challenges to state laws and ballot issues.
- Suing to recover money fraudulently taken from the state.
- Defending lawsuits filed by state prisoners.
- Defending the state in employment and tort cases.
- Advancing the state's interest in complex cases such as the tobacco settlement.

Litigation protects tobacco settlement money, minors

Big Tobacco pays \$389M plus

In 2001, more than \$389 million went into state coffers in a historic settlement obtained by Attorney General Nixon from Big Tobacco in 1998.

Final legal challenges to the settlement were defeated in April. The state immediately received nearly \$340 million and another \$49 million by year's end.

An additional \$111 million is expected in April 2002. The settlement calls for Missouri to receive money in perpetuity.

"Small tobacco" money sizeable

Aggressive action against small cigarette companies allows Missouri to fully benefit from the tobacco settlement.

Other states' failure to pursue escrow payments from small companies, as required by the settlement, has cost them more than \$100 million.

Benetton sends letters of regret, pays \$50,000 to crime victims

In an agreement with Nixon, Italian clothing maker Benetton sent letters to families of the murder victims of four Missouri inmates featured in its "We on Death Row" advertising campaign.

The company expressed regret for pain caused by the controversial project.

Missouri's enforcement actions, among the most successful in the nation, have resulted in \$1,165,249 paid into escrow and more than \$15,000 in penalties paid to the state.

Litigation attorneys filed 12 lawsuits in 2001 seeking an additional \$1,027,798 in escrow and penalties.

Retail chains penalized for sales

Three Missouri retail chains that sold tobacco products to minors were hit with \$56,000 in penalties after being sued by litigation attorneys.

7-Eleven was found liable after a three-day trial. The judge said policies to prevent sales to minors "have proven a dismal failure." Walgreens and Discount Smoke Shop also settled. All three chains must increase employee training and make other changes to stop tobacco sales to minors.

Nixon sued Benetton and four employees, saying they misrepresented the project's purpose to gain access to the inmates at Potosi Correctional Center.

Benetton also donated \$50,000 to the Missouri Crime Victims' Compensation Fund.

LITIGATION DIVISION

Campaign contribution limits upheld

The AG's Office won a string of victories to uphold Missouri's campaign finance laws.

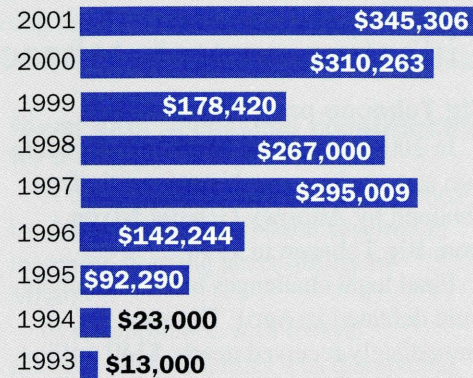
The rulings to preserve the limits on how much political parties could give to candidates were based on the legal foundation laid by the U.S. Supreme Court in a landmark ruling in 2000. *Nixon v. Shrink Missouri Government PAC* upheld the limits on individual contributions.

In 1998, the Missouri Republican Party filed a lawsuit challenging the limit on party contributions.

The AG's Office fought this challenge all the way to the U.S. Supreme Court and in 2001 won victories both in the high court and 8th U.S. Circuit Court of Appeals. (See chronology on page 30.)

Prisoners pay to stay

Attorneys recovered a record \$345,306 in 2001.



Inmate reimbursement

Litigation attorneys recovered a record \$345,306 for the state from inmates to pay for their stay. They found the assets in bank accounts, stock holdings, life insurance benefits and lottery winnings.

Since taking office in 1993, Nixon's aggressive enforcement of the Inmate Incarceration Reimbursement Act has brought in nearly \$1.7 million. The law allows the state to recover up to 90 percent of an inmate's assets after obligations to a spouse or children are met.

Solicitor's Office handles civil appeals throughout country

The Solicitor's Office supervised almost 300 civil appeals, including 34 in the Missouri Supreme Court.

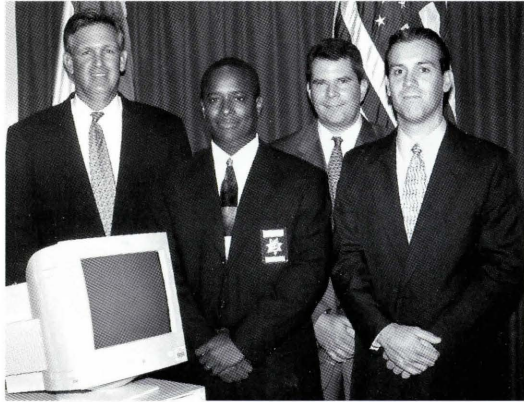
The unit also represented the state in federal appeals courts in four circuits, a bankruptcy appeals panel of the 10th Circuit and the U.S. Supreme Court.

Besides successfully defending Missouri's campaign finance laws, the Solicitor's Office kept 47 convicted drunken drivers off the road. It also defended 12 appeals by sexually violent predators seeking release from civil commitment and defended 17 tax cases, protecting state revenue.

The solicitor filed four amicus briefs with the U.S. Supreme Court supporting consumer rights, defending predator laws and supporting campaign finance laws.

The Litigation Division advanced the state's interest in complex cases and defended the state against thousands of lawsuits. Attorneys generated or saved the state **\$245,788,642** in 2001.

Defense case savings (July 1-Dec. 31)	\$245,338,841
Inmate reimbursement recovered	\$345,306
Litigation collections	\$104,495



Nixon, left, meets officers from the St. Charles County Sheriff's Department. From left, Detective Bryon Hendrix, Detective Sgt. Chris Mateja and Detective Jim Woerther attend a conference on computer crimes.

About the division

Public Safety Division attorneys assist local prosecutors in serious or difficult trials and grand jury proceedings. They also:

- Prosecute workers' compensation fraud and noncompliance cases.
- Represent the Department of Public Safety, including the highway patrol.
- Train law officers and state troopers and produce an issues-oriented Front Line Report.
- Assist law enforcement and prosecutors with high-tech crime cases and meth cases.
- Prosecute abuse and neglect of nursing home residents and Medicaid fraud cases.
- Civilly commit sexually violent predators.

16 sexual predators committed in 2001

Since the Sexually Violent Predator Law took effect on Jan. 1, 1999, the state has committed 24 sexual predators proven to have a mental abnormality that makes them more likely than not to commit more predatory acts of sexual violence.

A predator is committed for treatment until a jury or judge determines that the defendant is considered safe. Attorneys committed 16 predators in 2001, including:

- Elroy Key, sentenced from Johnson County for sodomy.
- Timothy Smith, sentenced from Polk County for child molestation.

- Kenneth Acosta, sentenced from Cooper County for forcible rape.
- Larry Coffman, sentenced from St. Louis for sodomy.

First female predator committed

A Lincoln County judge ruled that a female imprisoned on sodomy charges was a sexually violent predator.

Angela Coffel engaged in unprotected sex with numerous unsuspecting partners while she was HIV-positive. She is the first female deemed a sexual predator in Missouri and only the fourth in the nation.

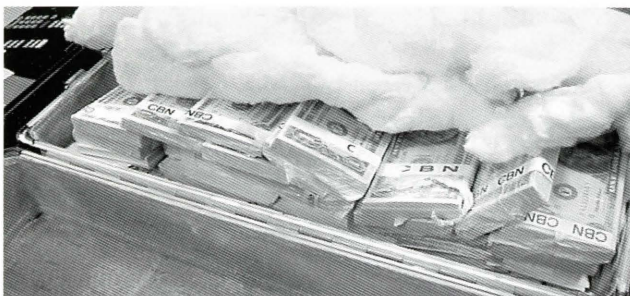
Killers sentenced to death, life without parole

Public Safety Division attorneys obtained 28 homicide convictions, resulting in four death sentences and nine sentences of life without parole. Among the cases:

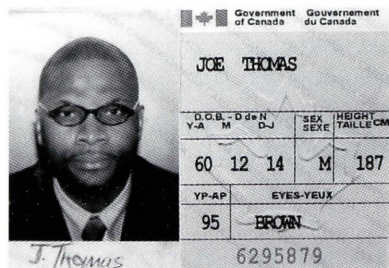
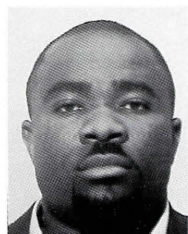
- Terrance Anderson of Poplar Bluff was sentenced to death for the double homicide of his ex-girlfriend's parents.
- Michael Tisius was sentenced to death for murdering two Randolph County jailers during a jail break.
- Gary Biggs was convicted of first-

degree murder for using a hatchet and shovel to bludgeon to death a Scott County woman.

- Jonathon Burton and Marion Moad were sentenced to life without parole for killing a 69-year-old Gentry County man with a tire iron.
- Kenneth Thompson of Benton County was sentenced to die for killing his father and mother-in-law.
- Douglas Maupin was sentenced to life in prison for the shooting death of a Boonville man.



Canadian police seized a security box containing packets of paper cut to the size of American money and bound with U.S. dollar bills. Former Nigerians Vincent Onyeka, shown below in a fake ID, and Peter Kalu were charged with attempted fraud in Canada. They face extradition to Missouri on felony charges.



High Tech Unit targets computer crimes

The High Technology and Computer Crime Unit helps law enforcement with investigative and legal issues.

It provides language for search warrant applications, executes search warrants, and secures and analyzes computer and digital evidence.

The unit assisted in 156 cases, conducted 55 forensic examinations and prosecuted nine cases in 2001.

Nigerian scam busted: Starts in Polk County, ends in Canada

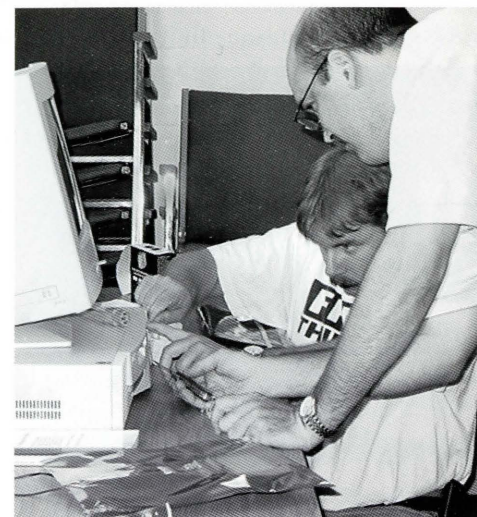
The High Tech Unit filed what is believed to be the first felony charges in the country brought against operators of a Nigerian scam.

Americans lose an estimated \$100 million or more annually in these scams.

The investigation began after a Polk County man received an e-mail from someone claiming to have obtained \$80 million from the Nigerian government.

The sender offered to share 15 percent of the money if the victim could help move the money out of Nigeria. The victim later was told he would need to pay \$8,400 to cover fees, taxes and expenses to transfer the money.

Canadian police arrested two suspects as they went to pick up the money drop from the would-be Polk County victim.



Cole County reserve deputy sheriffs Chris Byrd, left, and Doug Blaha open a CD drive during a class in Jefferson City. The deputies learned how to collect electronic evidence.

329 officers trained in computer crime technology

The High Tech Unit trained 329 officers from 116 local law enforcement agencies on how to search and seize computers and electronic evidence.

The 27 training programs provided legal and hands-on instruction for computer crime investigations.

Construction worker jailed, fined \$500 for workers' compensation fraud

An Osage Beach construction worker was sentenced to 90 days in jail, fined \$500 and ordered to pay \$1,189 in restitution for workers' compensation fraud.

While being paid total disability benefits, the worker returned to work without telling the insurance company and was receiving his paychecks and total disability benefits.

Social worker to pay \$130,000 for defrauding Medicaid program

Melody Carter, a Pulaski County child social worker, was found guilty of Medicaid fraud and stealing. She billed Medicaid for providing services while she was vacationing in Alaska and New Mexico.

She was sentenced to 90 days' house arrest and ordered to pay more than \$130,000 in fines and reimbursement.

Meth-making couple endanger children

A Grundy County couple who were making meth at home with their three children present were convicted of child endangerment, possession of meth and attempting to manufacture meth. They were sentenced to prison.

Child molester sentenced to life

Public safety attorneys convicted Tommy Bewley of Mississippi County on 10 felony counts, including statutory rape and sodomy involving four children.

He supplied the children, including a 9-year-old girl and 13-year-old runaway, with drugs and alcohol.

Bewley was sentenced to three consecutive life sentences plus 10 years.

Robber convicted of murder

A Mississippi County jury found Darius Nicholson guilty of second-degree murder, armed criminal action and first-degree robbery for shooting a gas station attendant. Nicholson was sentenced to life in prison plus 60 years.

Missouri leads nation in addressing racial profiling

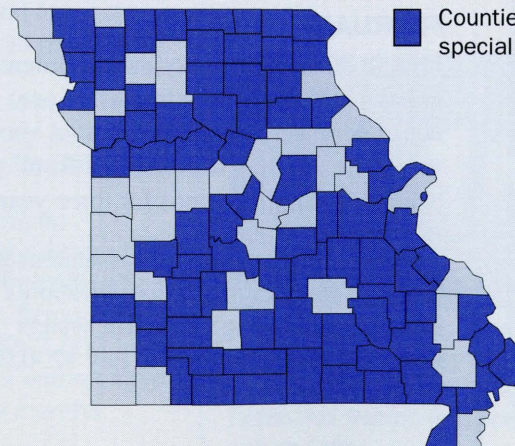
Missouri law enforcement is on the forefront of national efforts to eliminate racial profiling.

On June 1, Attorney General Nixon released the state's first report detailing traffic stops. The 1,300-page report compiled statistics from 634 law enforcement agencies.

Agencies reported 453,189 stops that resulted in 31,906 searches and 23,716 arrests over four months.

The Public Safety Division generated or saved **\$4,695,874** in 2001, including nearly \$2 million for Missouri counties by conducting 397 special prosecutions.

Medicaid fraud restitution and penalties	\$2,466,931
Special prosecution savings	\$1,966,914
Workers' compensation fraud and high-tech penalties	\$262,029



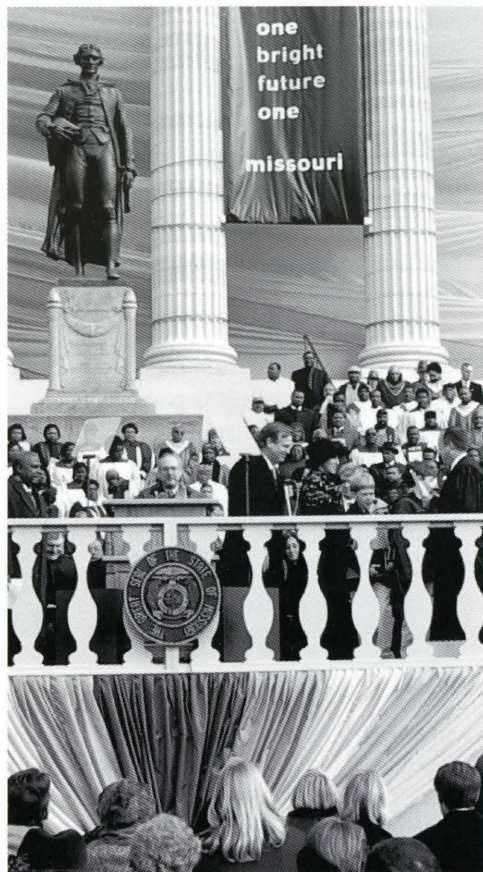
Counties where AG's Office served as special prosecutor

Attorneys prosecute cases in 77 counties, St. Louis

Public safety attorneys handled 397 special prosecutions in 77 counties and St. Louis city. The attorneys assist local prosecutors in complicated trials or are appointed as special prosecutor when there is a conflict of interest.

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YEAR-END REVIEW



Nixon is sworn in to his third term as Attorney General. With him are his wife Georganne and sons Jeremiah and Will.



JANUARY

Jan. 8: Attorney General Nixon is sworn in to his third term. He is Missouri's 40th Attorney General.

Jan. 11: Nixon and legislative leaders call on lawmakers to toughen DWI laws by adopting a .08 blood alcohol content limit for drivers. On **June 12**, the measure is signed into law.

Jan. 20: A Camden County boat trailer maker pays \$43,859 in penalties and costs for burning trash, including paint which is a hazardous waste, and agrees to clean up the site.

Jan. 22: Nixon urges support of legislation to protect farmers and benefit consumers.

FEBRUARY

Feb. 2: A Taney County man is ordered to pay restitution for defrauding consumers who bought prepaid vacations. He also is prohibited from selling prepaid vacations for three years.

Feb. 5: An Oklahoma man is sentenced to seven years in prison for defrauding Missourians through an alarm system scam. He also is ordered to pay \$230,000 in restitution.



Rep. Craig Hosmer, sponsor of .08 legislation, joins Attorney General Nixon, seated, and representatives of Mothers Against Drunk Driving and law enforcement at a rally at the state Capitol. They renewed their call on Feb. 28 for tougher drunken driving laws.

Feb. 7: More than 150 elected and appointed Missouri public officials attend a conference on ethical and legal issues hosted by the AG's Office in Jefferson City.

Feb. 7: Consumer Protection Division attorneys obtain a court order preventing Almost Free Vacations from making false claims to prospective Branson visitors. The company must pay \$5,000 in restitution to consumers.

Feb. 7: Stanley Lingar is executed. He sexually abused and murdered a hitchhiker in Ripley County in 1985.

No Call law response swift from Nixon, Missourians



Attorney General Nixon explains why exemptions to the No Call law should be eliminated. Supporting him are AARP representative Norma Collins and bill sponsor Rep. Rick Johnson.

Jan. 23: Nixon and Missouri's AARP hold a news conference to announce their support for closing loopholes in the No Call law.

July 1: Enforcement of the No Call law officially begins. More than 500,000 Missouri home phone lines have been placed on the list since registration began six months ago.

July 12: Nixon files the first lawsuit under the No Call law against a Florida business, Absolute Advantage Consulting, and obtains court orders requiring three other telemarketers to pay \$15,000.

July 16: A Kansas City telemarketer, Bobcat Marketing, is ordered to pay \$5,000 for calling No Call

registrants. Nixon praises Missourians for reporting violators in the first two weeks since enforcement began.

July 24: Nixon sues the operators of Miss Cleo's TV psychic hot line for consumer fraud and violations of the No Call law. Miss Cleo later pays \$75,000 for calling No Call registrants. Legal action on the consumer fraud lawsuit continues.

July 26: A court orders a Colorado telemarketer to pay \$15,000 for No Call violations. An Oklahoma telemarketer, Satellites Direct, is sued. The business is ordered to pay \$15,000 on **Aug. 30.**

Aug. 7: ADT Security Services, a Florida alarm system company, is sued for calling at least 218 No Call registrants.

Sept. 7: Seven telemarketers are ordered to pay \$40,000 for violating the No Call law.

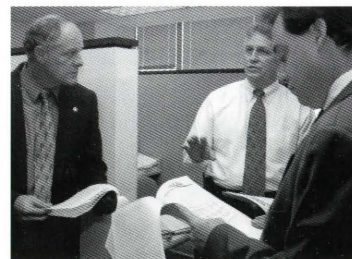
Sept. 26: Seventeen telemarketers are ordered to pay \$102,500 for calling No Call registrants. Nixon now has collected \$267,500 from telemarketers in enforcement actions in three months.



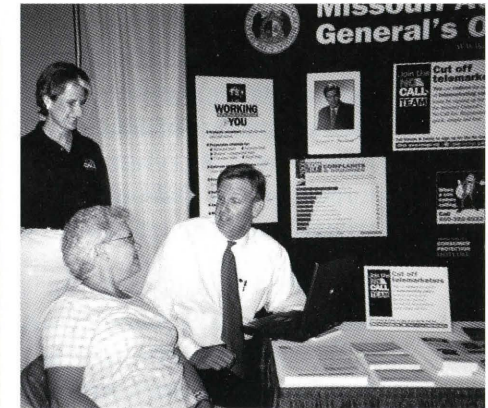
Debbie Catlett, director of the Hannibal Senior Center, introduces Nixon, who signed up seniors for the No Call list.

Oct. 23: Seventeen telemarketers pay \$162,500 for violating the No Call law. The No Call list contains more than 822,000 phone lines.

Nov. 19: Four telemarketers pay \$20,000 for violating the No Call law.



Rex Burlison, center, lead prosecutor for the No Call unit, explains the legal process to Reps. Rex Rector, left, and James Foley.



Nixon and consumer investigator Bridget Hug, standing, sign up an attendee to the No Call list at the State Fair in Sedalia.

Dec. 3: Nixon calls on lawmakers to close the loopholes in the No Call law during the 2002 legislative session by eliminating the exemption given to phone, insurance and finance companies.

Dec. 13: Nixon voices his opposition to a House of Representatives Interim Committee report that does not recommend eliminating exemptions given to phone, insurance and finance companies. Nixon instead supports a bill sponsored by Rep. Rick Johnson to close the major loopholes.

Feb. 8: Nixon issues a legal opinion stating that crime victims in Missouri have a right to be in the courtroom throughout the trials of their defendants.

Feb. 15: A Kansas City man is arrested on charges he sold airline tickets on eBay that he never intended to deliver. On **Aug. 20**, he is ordered to repay \$5,100 to victims and not use a computer.

Feb. 21: Contact lens maker Bausch & Lomb agrees to pay \$17.5 million in a nationwide settlement to resolve antitrust concerns.



Stormwater runoff mixed with wood-treating chemicals polluted Doe Run Creek.

Feb. 23: An Ellington wood-treating company, Scott Tie, agrees to obtain a stormwater permit to monitor runoff into Doe Run Creek and Clearwater Lake and pay \$55,200 in penalties.

Feb. 27: Nixon issues a report on natural gas prices. The report recommends overhauling Missouri's system of regulating the industry.

MARCH

March 1: A Jasper County man is charged with selling forged Shaquille O'Neal jerseys on the Internet. On **Jan. 11, 2002**, he pleads guilty to a felony count of consumer fraud.

March 7: Nixon obtains a court order requiring an Illinois business to provide more than \$530,000 in refunds and forgiveness of consumer debt. New Horizons made misrepresentations through contests and phone solicitations when selling memberships in a travel club.

March 8: A judge orders the Fox School Board to comply with the state's Sunshine Law. Nixon had sued the board for violating the open meetings and records law, including discussing public business in closed session, not taking votes by roll call in closed session, and failing to appoint a custodian of records.

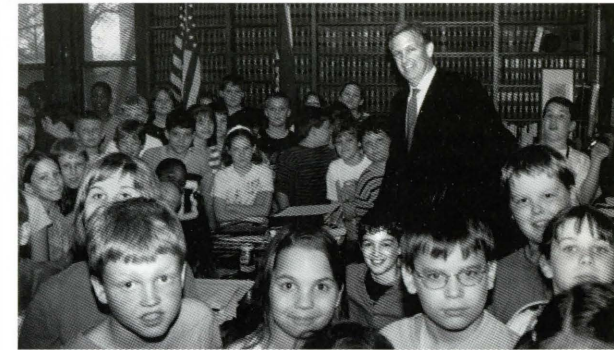
March 12: A St. Louis County man is sued for accepting payments for undelivered sports collectibles and cameras sold on eBay. At least 12 people lost nearly \$3,000 in the scam over nine months.

March 14: A Kansas construction company will pay to inspect and repair 36 Missouri homes it built that contain major defects. The court order also requires Miller Enterprises to pay more than \$14,000 to the state for investigative and legal costs.

March 16: Nixon obtains a temporary restraining order to stop a St. Louis business, Urban Realty Investments, from renting residential properties that have been condemned or do not have the required occupancy permits. The order also freezes assets from property rental.

March 16: A Carthage teen is sued for defrauding two elderly Polk County residents in a driveway-repair scam.

March 16: A Springfield insurance agent is arrested after using clients' money for himself instead of investments. Nixon files 10 felony counts of unlawful

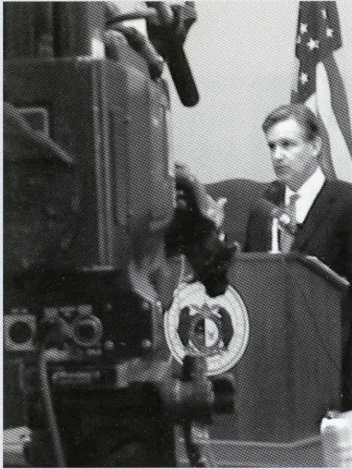


Jefferson City elementary students visit Attorney General Nixon.

merchandising practices, stealing, securities fraud and forgery.

March 19: Governmental Division attorneys ask a court to stop a Kansas City dentist from practicing while a criminal case is pending. He is charged with sexually assaulting patients.

March 27: An engineer permanently surrenders his Missouri engineering license. He falsely certified that construction on manure-handling systems at 15 Premium Standard Farms facilities in north Missouri followed plans and specifications approved by the Department of Natural Resources.



Nixon reports that 48 gas stations violated state rules on price gouging.

Gasoline price gouging not tolerated in Missouri

Sept. 12: Nixon sends investigators across the state to look into reports of price gouging by gas stations following the Sept. 11 terrorist attacks. Missourians are asked to report price gouging to the Attorney General's Office.

Sept. 19: Nixon demands gas stations that substantially inflated prices to pay three times their profits in penalties or \$1,000, whichever is larger, by Oct. 1 or face a possible lawsuit.

Oct. 2: Forty-eight gas stations pay \$60,043 for violating state regulations on price gouging.

March 28: Tomas Ervin is executed. He murdered a woman and her adult son during a home invasion in Jefferson City in 1988.

March 29: Nixon and 35 state AGs send a letter to the Department of Health and Human Services secretary criticizing new federal standards that would permit patient records to be bought and sold without patients' knowledge. HHS later reverses its position.

APRIL

April 5: A Greene County judge issues a restraining order preventing two Springfield travel businesses, Branson Star II and Star Reservations, from deceptively selling Branson vacation packages.

April 6: Environmental Protection Division attorneys file criminal charges against a Milan man for illegally dumping asbestos removed from Green City public school into a nearby ditch and handling the material without a permit.

April 10: The Missouri Supreme Court rules that

doctors who make coverage decisions for HMOs must comply with medical standards and may be questioned by the state about those decisions.

April 13: A Jackson County grand jury indicts a Kansas City pharmacist on 22 counts of Medicaid fraud. The pharmacist billed the Missouri Medicaid program for drugs never dispensed or prescribed.

April 16: An unlicensed Springfield accountant is sued to prevent him or his firm from offering accounting services in Missouri.

April 18: A state appeals court rules that the state can continue to regulate odors from the state's largest factory farms. The standards affect 20 of the state's largest swine, poultry and dairy operations.

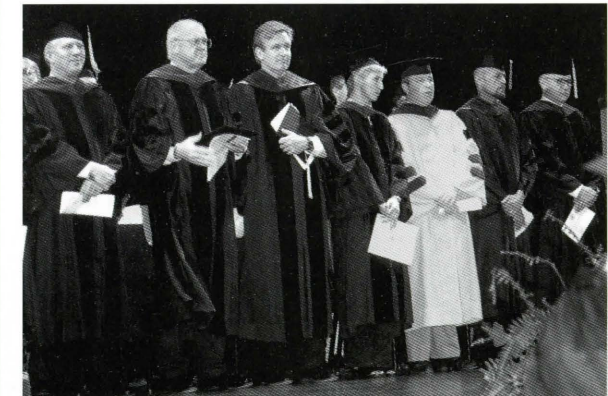
April 20: Shop 'n' Save agrees to pay \$75,000 for selling cheaper cuts of ground beef as higher quality meat.

April 24: A Kansas City man is arrested and charged with two felony counts of misappropriating funds from his parents, who live in a nursing home.

April 24: Nixon files what are believed to be the first felony charges in the country against two operators of a "Nigerian money scam." The two men were arrested in Canada in a sting.

April 25: Mose Young is executed. He killed three people at a pawnshop in St. Louis in 1983.

April 25: Nixon notifies the St. Louis City Circuit Court that the state's historic settlement with the tobacco industry is final. Interveners had been defeated in circuit court, Eastern District Court of Appeals and state Supreme Court.



Nixon, third from left, was keynote speaker at his alma mater's commencement ceremonies. He is accompanied by wife Georganne, also an alum of the University of Missouri-Columbia School of Law.

April 26: R&R Consultants of Montreal is sued for using telemarketing calls to sell Missourians placement on a phony "international no call list" for as much as \$289. On **Sept. 14**, a Cole County judge signs a court order requiring the business to pay \$14,500 in restitution and penalties.

April 30: A judge approves a national settlement with pharmaceutical giant Mylan Laboratories over alleged drug price-fixing. Missouri will receive \$2.1 million.

MAY

May 3: A lawsuit is filed against the maker of StarLink, a genetically modified seed corn. Vital information about restrictions on the corn's use was not provided to Missouri farmers.

May 23: Samuel Smith is executed. He stabbed a fellow inmate at the Jefferson City Correctional Center in 1987.

JUNE

June 14: Legal action is brought against a financially troubled Scott City hazardous waste plant. Environmental

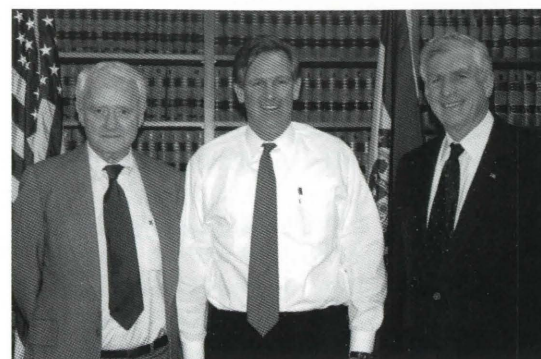
attorneys seek to revoke its permit and ensure proper closure. On **July 24**, the plant is ordered to close and its license is revoked.

June 15: Italian clothier Benetton agrees to send letters expressing regret to families of the murder victims of four Missouri inmates featured in the company's "We on Death Row" advertising campaign. Benetton also will donate \$50,000 to the Missouri Crime Victims' Compensation Fund.

June 18: A Hartsburg contractor is sued for not completing work on a Franklin County barn after being paid more than \$17,500 by the owners.



Nixon sizes up his competition before tip-off at a basketball game in Kansas City.



Former Attorneys General Thomas Eagleton, left, and John Danforth visit Nixon.

June 25: Walgreens agrees to strengthen compliance with the law on tobacco sales to minors and pay \$46,000 to the state. The drug store chain's rate of sales to minors exceeded the state average.

June 26: A Lafayette County jury finds Jonathon Burton guilty of first-degree murder for the beating death of a 69-year-old Darlington man.

June 26: Missouri leads 26 states in a ground-breaking settlement with Publishers Clearing House. The company agrees to pay \$34 million and make several first-ever changes in its sweepstakes.

June 28: A St. Francois County grand jury indicts two for Internet auction scams at the request of the High Tech Unit. On **Aug. 17**, one defendant pleads guilty to 10 counts of fraud.

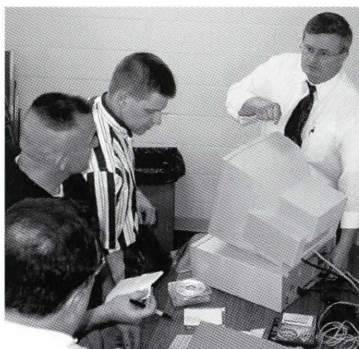
JULY

July 11: Jerome Mallett is executed. He murdered state trooper James Froemsdorf during a traffic stop in Perry County in 1985.

July 12: Consumer attorneys sue the owners of a defunct health spa in Moberly. They made misrepresentations to sell memberships and failed to provide refunds after closing.

July 20: A Lincoln County judge rules that Angela Coffel is a sexually violent predator and orders her to be held in civil commitment for treatment. She is the first female deemed a sexual predator in Missouri.

July 20: The owners of a Jasper County mobile home park are sued over ongoing water pollution problems.



Officers learn how to conduct a forensic examination of a computer during a high-tech training course.

AUGUST

Aug. 2: The High Tech Unit holds the first of 12 two-day regional training programs. Local law enforcement officers are given hands-on instruction on how to search, seize and secure computer evidence and how to conduct an online investigation.

Aug. 14: Hague Quality Water of Kansas City is sued for using high-pressure sales tactics and numerous misrepresentations to sell water treatment systems.

Aug 21: The owners of a St. Louis truck salvage yard are sued for environmental contamination caused by used oil.

Aug. 29: AmerenUE withdraws plans to build a hydroelectric power plant at Church Mountain in Reynolds County hours after Nixon urged a regulatory commission to deny its permit application. The proposed plant would have flooded parts of the Taum Sauk State Park.

SEPTEMBER

Sept. 6: A McDonald County judge approves a settlement with Simmons Foods to resolve a motion for contempt sought by Nixon for water pollution violations at a poultry processing plant near Southwest City. The company will pay \$100,000 in penalties and make changes to its plant.

Sept. 14: Missourians are warned about disaster donation scams following the Sept. 11 terrorist attacks.

Sept. 18: The owners of a Cape Girardeau service station agree to pay \$37,000 in penalties for environmental violations caused by leaking gasoline storage tanks in 1998. The owners also must clean up any remaining groundwater or soil contamination.

Sept. 24: Three St. Louis women are arrested on grand jury indictments charging them with operating a pyramid scheme.

OCTOBER

Oct. 3: Michael Roberts is executed. He murdered a neighbor in St. Louis County in 1994 to obtain drug money.

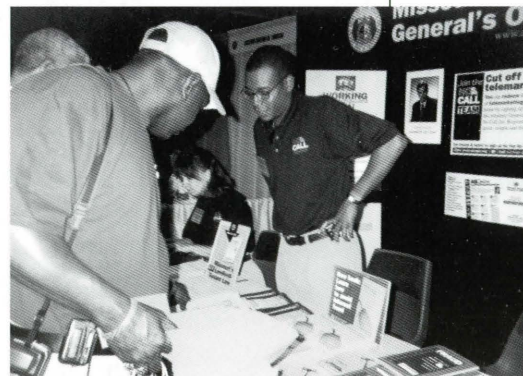
Oct. 3: TAP Pharmaceutical agrees to pay \$752,000 to reimburse Missouri's Medicaid program for inflating the average wholesale price of a prostate cancer drug. The agreement follows a long investigation by state attorneys general and the Feds into the drug maker's marketing practices.

Oct. 24: Stephen Johns is executed. He shot a 17-year-old gas station attendant in a 1982 robbery in St. Louis.

Oct. 24: Missouri leads a national settlement requiring Triad, a Florida-based buying club, to pay more than \$9 million for deceiving consumers nationwide into signing up for "free" trial memberships and then placing unauthorized charges on their credit cards.

Oct. 25: A state appeals court upholds the murder conviction of a drunken driver who killed an employee of the Buchanan County Sheriff's Department.

Oct. 26: The Consumer Protection Division distributes newly revamped consumer fraud guides to the public. The Missouri Consumer Fraud Guide includes information on Internet and privacy issues.



Consumer attorney Robert Kenney answers questions and distributes fraud-fighting information at the Black Expo in St. Louis on Aug. 25-26.

Nixon recognizes legal secretary Elaine Hunt for 20 years of service to the Attorney General's Office.



NOVEMBER

Nov. 6: A Pulaski County jury finds a licensed clinical social worker guilty on seven felony charges of stealing and Medicaid fraud.

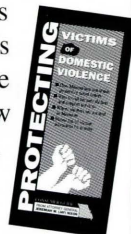
Nov. 20: Nixon sends a letter to U.S. Attorney General John Ashcroft opposing the proposed merger between Echostar and Hughes, which control the entire direct broadcast satellite market nationwide. Nixon says the merger would allow the new monopoly to raise prices at will, cut service and neglect innovative products to one-third of all Missouri households that can't connect to cable systems.

Nov. 21: The IRS rules that income earned by Missouri on tobacco settlement funds while held in escrow is not taxable. Missouri will receive an additional \$7.3 million.

Nov. 21: Nixon sends written comment to the U.S. Forest Service to oppose Doe Run's

proposal to prospect for lead at undisclosed locations in the Mark Twain National Forest.

Nov. 28: A newly revised booklet to help victims of domestic violence is made available for free to Missourians and law enforcement agencies.



DECEMBER

Dec. 3: A father and son from St. Joseph are sued for continuing to dump and openly burn trash for two years on their property.

Dec. 6: A Georgia business, Preferred Alliance, is sued for enrolling Missourians in travel or health-care membership programs without permission and then making unauthorized charges for as much as \$99.95 on their credit or debit cards.

Dec. 19: Kraft Foods agrees to complete the cleanup and proper disposal of tons of used hot dog casings from a rural Boone County site. The \$2.2 million agreement resolves alleged environmental violations and an ongoing legal dispute involving more than \$1 million in recycling tax credits and refunds received or claimed by Kraft.

Political party contribution limits upheld

The Attorney General's Office won a string of victories to uphold Missouri's law limiting how much money political parties could give to candidates. This was the second year in a row the U.S. Supreme Court upheld a Missouri campaign finance law.

Jan. 9: Nixon asks the U.S. Supreme Court to review the 8th Circuit ruling, which prohibits the state from enforcing party contribution limits.

June 25: The U.S. Supreme Court rules in a similar case, *FEC v Colorado Republican Federal Campaign Committee*, upholding limits on party spending in coordination with candidates.

June 29: Citing *Colorado*, the U.S. Supreme Court issues a ruling vacating the 8th Circuit decision and sends the case back to the 8th for reconsideration.

June 29: Nixon files a motion with the 8th Circuit seeking to vacate injunctions barring enforcement of Missouri's party contribution limits, citing *Colorado*.

Sept. 10: Missouri presents oral arguments supporting party contribution limits to an 8th Circuit panel.

Nov. 2: The 8th Circuit panel reverses its earlier decision and affirms the district court's ruling upholding the constitutionality of Missouri's party contribution limits.

Jan. 4, 2002: The entire 8th Circuit denies the Missouri Republican Party's request to rehear the case.

Jan. 10, 2002: The Republican Party files a motion to prevent enforcement of contribution limits while it asks the U.S. Supreme Court to review the case again.

Jan. 17, 2002: The 8th Circuit panel denies the Republican Party's request to delay enforcement of contribution limits while it seeks Supreme Court review.

Join the
**NO
CALL
TEAM**

Tired of telemarketers?

Missourians who want to reduce the number of telemarketing calls at home can sign up for the Attorney General's No Call list by Internet or phone. Registration is quick, simple and free. Consumers also can report telemarketers violating the No Call law (some telemarketers are exempt).

To sign up for the next No Call list or report violators:

Click www.moago.org

or

Call toll-free 1-866-NOCALL1

ON THE BACK COVER



Nixon signs up another Missourian for the No Call list at the State Fair.



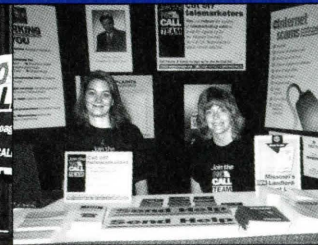
Rep. Craig Hosmer, Nixon and law officers rally for tougher drunken driving laws at a MADD news conference.



Nixon congratulates prosecutor Ted Bruce for 20 years of service to the AG's Office.



Nixon, Rep. Rick Johnson and AARP representative Norma Collins call on lawmakers to eliminate loopholes in the No Call law.



Consumer staffers Leslie Winter, left, and Toni Pitts distribute brochures at the State Fair and sign up fairgoers for the No Call list.



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